

11cr7020

## TRANSFER TREATY DETERMINATION UNDER 18 U.S.C. §4106A

**FILED**

MAY 19 2011

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEP

Name: ROBERTS, Terry

Institution: La Tuna FCI

Register Number: 05073-707

Date: April 5, 2011

As a result of the hearing conducted on March 23, 2011, the following action was ordered:

**Offense**

Transferee was convicted of (1) Alien Smuggling and (2) Use of a Stolen Vehicle in Mexico and sentenced to serve 9 years, ten months imprisonment. The Commission finds that transferee's offense is most similar to Alien Smuggling and Transportation of a Stolen Vehicle.

**Sentencing Guideline Determination**

The Commission finds that transferee's total offense level is 15, transferee's criminal history category is I, and the guideline range applicable to transferee is 18-24 months.

**Release Date Determination**

The Commission sets a release date after service of 16 months. Foreign labor credits and good conduct time credits, if any, will be deducted from this release date under Bureau of Prisons' procedures.

**Reason for Release Date Determination**

The release date departs from the applicable guideline range because you were subjected to repeated beatings by foreign authorities.

**Period and Conditions of Supervised Release**

The Commission finds that transferee is subject to a maximum period of supervised release of 2 years and that the applicable guideline period of supervised release under §5D1.2 is 24 to 36 months.

**Period of Supervised Release**

The Commission orders that transferee, immediately upon release from imprisonment, begin serving a 24-month period of supervised release, or until the full-term date of transferee's foreign sentence (currently calculated to be 12/24/2019), whichever is earlier. If the full-term date of transferee's foreign sentence occurs before completion of the period of supervised release the Commission has imposed, transferee's period of supervised release shall end on the date transferee's foreign sentence expires.

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Conditions of Supervised Release

The Commission imposes the standard conditions of supervised release (see attached).

The Commission imposes the following special condition (see attached):

You shall be subject to the Special Drug and Alcohol Aftercare Conditions that requires that you participate, as instructed by your U.S. Probation Officer, in a program (inpatient or outpatient) approved by the U.S. Parole Commission for the treatment of narcotic addiction or drug and alcohol dependency. That program may include testing and examination to determine if you have reverted to the use of drugs or alcohol. You shall also abstain from the use of alcohol and all other intoxicants during and after the course of treatment.

In addition, you shall reside in and participate in a program of the Residential Re-Entry Center as instructed by your U.S. Probation Officer until discharged by the Center Director, but no later than 120 days from admission.

The Commission imposes this condition because 1) you have a history of using controlled substances; and 2) additional time is needed to secure an approved release plan.



Cranston J. Mitchell, National Commissioner

4-5-11

Date



Isaac Fulwood, National Commissioner

4/6/11

Date

Notice

This action may be appealed within 45 days after receipt to the United States Court of Appeals for the circuit in which transferee is imprisoned. The notice of appeal must be filed in accordance with Title IV of the Federal Rules of Appellate Procedure. A notice of appeal must also be filed with the United States Parole Commission (to the attention of the General Counsel's office).

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While on supervised release, you shall abide by the following conditions:

1. You shall report in person to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons;
2. You shall not commit another federal, state or local crime;
3. You shall not leave the judicial district without the permission of the court or probation officer;
4. You shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
5. You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
6. You shall support your dependents and meet other family responsibilities;
7. You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
8. You shall notify the probation officer within seventy-two hours of any change in residence or employment;
9. You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Pursuant to 18 U.S.C. §3583(g), the revocation of supervised release is mandatory for possession of a controlled substance;
10. You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
11. You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
12. You shall permit a probation officer to visit you at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
13. You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
14. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

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15. As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement;
16. You shall not possess a firearm or other dangerous weapon.
17. You shall submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the conditions stated in this paragraph may be ameliorated or suspended by the court for you if your presentence report or other reliable information indicates a low risk of future substance abuse by you.
18. You shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)).

**NOTE:** If the Commission has ordered a period of supervised release that expires before the full term of your foreign sentence, your foreign sentence remains in effect and continues to serve as the maximum authorized term that you may be required to serve. The district court will, therefore, have the option under 18 U.S.C. §583(e)(2) to extend your period of supervised release to the full term of your foreign sentence. If your supervised release is revoked, the district court may order any combination of reimprisonment and supervised release that does not exceed the sentence imposed by the foreign court, as authorized by 18 U.S.C. §4106A(b)(1)(C).

I have read, or had read to me, the conditions of release printed on this statement and received a copy thereof. I fully understand the conditions and know that if I violate any conditions, I may have my supervised release revoked.



Signature of Transferee

4-18-2011

Reg. No. 05073-707



Witnessed

4-18-2011

Date

An original signed copy of this statement must be returned to the National Appeals Board of the U.S. Parole Commission within 10 days of receipt.

**TRANSFER OF JURISDICTION FOR SUPERVISED RELEASEES  
TRANSFERRED TO U.S. PURSUANT TO TREATY**

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Name & Address of Supervised Releasee:

Register Number:

ROBERTS, Terry

05073-707

Residential Re-entry Center  
San Diego, CA

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Country of Transfer & Offense:

Period of Supervised Release:

Mexico

24 Months

Alien Smuggling  
Use of a Stolen Vehicle

NOTE: The period may extend to the foreign full-term date, but no longer. Full-term date controls unless supervised releasee absconds.

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Pursuant to 18 U.S.C. §4106A(b)(3) the jurisdiction over the above named supervised releasee is conferred upon the United States District Court for the Southern District of California. Along with this Notice of Transfer of Jurisdiction are the records compiled by the U.S. Parole Commission for the purpose of determining a release date and periods and conditions of supervised released pursuant to 18 U.S.C. §4106A(b)(1)(A). The transfer of jurisdiction is effective on the date that this transfer is filed with the district court clerk or on the date the transferee is released from custody, whichever is earlier.



Cranston J. Mitchell, National Commissioner

4-5-11  
Date



Isaac Fulwood, National Commissioner

4/6/11  
Date